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1301 W. 35th Street, Suite 408
Austin, Texas 78705
[o] 512.637.9220
[f] 512.371.9088

FAX COVER SHEET

TO:	Office of Petitions 571-272-3282	Fax#:	703-872-9306
FROM:	Janice Pampell Patent Paralegal 512-637-9225	Docket #:	MYKR1360
DATE:	December 23, 2004	# of Pages:	20
RE:	Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181		

Please contact 512.637.9225 if there is a problem with this transmission.


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181	Atty. Docket No. MYKR1360
Applicant David M. Albert	
Application Number 10/063,991	Date Filed 05/31/2002
Title System and Method of Operation of an Embedded System for a Digital Capacitance Diaphragm Gauge	
Group Art Unit 2855	Examiner Oen, William L.
Confirmation Number: 5735	

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax (703) 872-9306

Dear Sir:

<u>Certificate of Mailing Under 37 C.F.R. 51.8</u>
I hereby certify that this correspondence and Exhibits A through D are being transmitted via facsimile to the U.S. Patent Office, Office of Petitions to Fax No. 703-872-9306 on December 23, 2004.
 Janice Pampell

In response to the Notice of Abandonment of the above captioned case which was mailed on December 14, 2004, the Applicant respectfully requests reconsideration and withdrawal of the holding of abandonment.

This application was allowed on April 20, 2004. The Notice of Allowability states "the drawings filed on 5/31/02 are *accepted* by the Examiner." A copy of the Notice of Allowance is attached hereto as **Exhibit A**. On July 19, 2004, the issue fee was timely paid. Included with the payment of issue fee was a Revocation and Power of Attorney and Change of Mailing Address executed by our client requesting all future PTO communications be sent to Sprinkle IP Law Group. A copy of the payment of issue fee and Revocation and Power of Attorney is attached hereto as **Exhibit B**. Shortly thereafter, the undersigned received the "Notice of Acceptance of Power of Attorney" date mailed August 16, 2004 confirming Sprinkle IP Law Group as new counsel for our client. A copy of the "Notice of Acceptance of Power of Attorney" is attached hereto as **Exhibit C**. On December 17, 2004, Applicant received the Notice of Abandonment dated December 14, 2004 from the U.S. Patent Office stating the application had been abandoned for failure to respond to the Official Letter date mailed August 31, 2004, attached hereto as **Exhibit D**.

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On December 17, 2004, Janice Pampell, a paralegal in my office, called the U.S. Patent Office and spoke with Patricia Ball of the Petitions Branch to inquire about the Official Letter dated August 31, 2004 mentioned in the Notice of Abandonment. Such Official Letter was never received by Sprinkle IP Law Group or Applicant. Ms. Pampell was informed by Ms. Ball that the "Official Letter" was a Notice to File Corrected Application Papers. Ms. Ball then confirmed this document was mailed from the U.S. Patent Office on August 31, 2004, but was mistakenly mailed to Gray Cary Ware & Freidenrich ("Gray Cary"), NOT Sprinkle IP Law Group, even though the Patent Office records previously confirmed that Sprinkle IP Law Group was the attorney of record. Thus, due to an error by the U.S. Patent Office, the application went abandoned because we had no notice of the Official Letter.

On December 17, 2004, Ms. Pampell also called Ms. Doan, who is the person Ms. Ball stated sent out the Notice to Correct Application Papers to Gray Cary and left a detailed message requesting a copy of said Notice. On December 20, 2004, Ms. Pampell called Ms. Doan again and was informed by Ms. Doan that a copy had been sent in the mail earlier that day to Sprinkle IP Law Group.

The Applicant respectfully submits that the application was improperly abandoned due to an error by the U.S. Patent Office because the Notice to Correct Application Papers dated August 31, 2004 was not sent to the attorney of record, Sprinkle IP Law Group, but rather, was mistakenly sent to another law firm (Gray Cary) that was no longer attorney of record. Applicant did not know the U.S. Patent Office had mailed such a Notice, especially since the previously mailed Notice of Allowance indicated the drawings had been accepted.

Accordingly, the Applicant respectfully requests that the holding of abandonment be withdrawn. The Applicant further requests that any matters relating to this application which need to be resolved be communicated to the Applicant so that they can be addressed and the application allowed to issue.

Applicant respectfully submits that because the abandonment was due to a mailing error on the part of the U.S. Patent Office, Applicant believes no fee is due for filing this Petition. However, if Applicant is required to pay a fee, the Commissioner is hereby authorized to deduct the appropriate petition fee of \$1,370.00 for a large entity under 37 CFR 1.17(m) from Deposit

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Account No. 50-3183 of Sprinkle IP Law Group. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,


Sprinkle IP Law Group

Steven Sprinkle
Reg. No. 40,825

Date
1301 W. 25th Street
Suite 408
Austin, Texas 78705
Tel. (512) 637-9220
Fax. (512) 371-9088